

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN FLOYD VOSS,

Petitioner,

vs.

ISIDRO BACA, et al.,

Respondents.

Case No. 3:15-cv-00183-HDM-VPC

ORDER

Petitioner has filed a motion for leave to file a longer than normal petition for writ of habeas corpus (#9). The court grants the motion. The court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The petition appears to be untimely under 28 U.S.C. § 2244(d), but petitioner had multiple, overlapping post-conviction petitions pending in state court, and the court does not possess enough of the state-court record to be sure. Parts of many grounds appear to be procedurally defaulted, and other parts might be unexhausted. The court will serve the amended petition upon respondents for a response. The court will depart from its usual practice of requiring respondents to raise all procedural defenses in one motion, because the amended petition is long, the other potential procedural defects appear to be complicated, and the issue of timeliness might make everything else moot. Respondents may raise only the issue of timeliness in a motion, supplemented with relevant parts of the state-court record, if they wish.

1 IT IS THEREFORE ORDERED that petitioner's motion for leave to file a longer than
2 normal petition for writ of habeas corpus (#9) is granted. The clerk of the court shall file the
3 amended petition for a writ of habeas corpus.

4 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
5 for the State of Nevada, as counsel for respondents.

6 IT IS FURTHER ORDERED that the clerk shall electronically serve upon respondents a
7 copy of the amended petition and this order. In addition, the clerk shall return to petitioner a copy
8 of the amended petition.

9 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
10 on which the petition was served to answer or otherwise respond to the petition. If respondents file
11 and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases
12 in the United States District Courts, and then petitioner shall have forty-five (45) days from the date
13 on which the answer is served to file a reply. If respondents file a motion, then the briefing schedule
14 of Local Rule LR 7-2 shall apply.

15 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
16 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
17 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
18 in the attachment. The hard copy of any additional state court record exhibits shall be
19 forwarded—for this case—to the staff attorneys in Las Vegas.

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1 IT IS FURTHER ORDERED that henceforth, petitioner shall serve upon respondents or, if
2 appearance has been entered by counsel, upon the attorney(s), a copy of every pleading, motion or
3 other document submitted for consideration by the court. Petitioner shall include with the original
4 paper submitted for filing a certificate stating the date that a true and correct copy of the document
5 was mailed to the respondents or counsel for the respondents. The court may disregard any paper
6 received by a district judge or magistrate judge that has not been filed with the clerk, and any paper
7 received by a district judge, magistrate judge, or the clerk that fails to include a certificate of service.

8 DATED: October 29, 2015.

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HOWARD D. MCKIBBEN
12 United States District Judge
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